When Recorded, Please Return to: Lodi City Clerk P.O. Box 3006 Lodi, CA 95241-1910

RESOLUTION NO. 2004-05

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS AT 312 AND 316 SOUTH SACRAMENTO STREET, FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE IMPROVEMENT AGREEMENT ON BEHALF OF THE CITY OF LODI, AND FURTHER APPROPRIATING FUNDS FOR THE APPLICABLE REIMBURSEMENT

WHEREAS, developer Vic Meyers has applied for a building permit to construct a new office/warehouse building at 312 and 316 South Sacramento Street, as shown on Exhibit A attached; and

WHEREAS, dedication of street right-of-way and installation of street improvements along the Sacramento Street frontage is required as a condition of the building permit issuance; and

WHEREAS, since the developer will be replacing the majority of the curb, gutter, and sidewalk fronting the subject parcels, staff requested that the east side of Sacramento Street be widened from the northerly boundary of the developer's property to Lodi Avenue to improve the alignment of the Sacramento Street/Lodi Avenue intersection; and

WHEREAS, the project improvements include widening the east side of Sacramento Street from Lodi Avenue to 300 feet south of Lodi Avenue, which includes the frontage of the City-owned parcel at 2 East Lodi Avenue; and

WHEREAS, the developer agrees to install all the required concrete work in this portion of Sacramento Street in conformance with the engineered improvement plans, as shown on Exhibit B attached hereto; and

WHEREAS, since the developer's project at 312 and 316 South Sacramento Street does not include any asphalt concrete work, the developer has proposed that the street pavement portion of the work be installed by others. Staff will make arrangements for the asphalt concrete work when the curb and gutter along the east side of this portion of Sacramento Street is complete; and

WHEREAS, the developer is entitled to reimbursement by the City for the improvements along the frontage at 2 East Lodi Avenue in conformance with Lodi Municipal Code §16.40 "Reimbursement for Construction"; and

WHEREAS, staff therefore recommends that the City Council take the following action with regard to the project by Vic Meyers, Inc.:

1. Approve the Improvement Agreement for the Public Improvements at 312 and 316 South Sacramento Street, and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and

2. Appropriate \$29,000.00, which includes 10% contingency, from the IMF - Local Street fund for the required reimbursement to the developer of \$9,378.98, and an additional \$17,621.02 for the asphalt concrete work provided by staff.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi hereby finds as follows:

- 1. Hereby approves the Improvement Agreement for the Public Improvements at 312 and 316 South Sacramento Street, and direct the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and
- Hereby appropriates \$29,000.00, which includes 10% contingency, from the IMF
 Local Street fund for the required reimbursement to the developer of \$9,378.98, and an additional \$17,621.02 for the asphalt concrete work provided by staff.

Dated: January 7, 2004

I hereby certify that Resolution No. 2004-05 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 7, 2004, by the following vote:

AYES:

COUNCIL MEMBERS - Beckman, Hitchcock, Howard, Land, and Mayor

Hansen

NOES:

COUNCIL MEMBERS - None

ABSENT:

COUNCIL MEMBERS - None

ABSTAIN:

COUNCIL MEMBERS - None

SUSAN J. BLACKSTON

City Clerk



